

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

MIDWEST TERMINALS OF TOLEDO
INTERNATIONAL, INC.

and

Case 08-CA-152192

LOCAL 1982, INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, AFL-CIO

NOTICE TO SHOW CAUSE

On September 19, 2016, Administrative Law Judge Eric M. Fine issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) by maintaining certain work rules or policies. The judge applied the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). The judge also addressed other alleged unfair labor practices. Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017). Having duly considered the matter,

NOTICE IS GIVEN that cause be shown, in writing, filed with the Board in Washington, D.C., on or before October 19, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of allegedly unlawful work rules or policies should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board’s decision in *Boeing*, including reopening the record if necessary. Any response should address whether a remand would affect the Board’s ability to resolve the remaining complaint allegations, including whether those allegations should

be severed and retained or instead included in the remand. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 5, 2018

By direction of the Board:

/s/ Farah Z. Qureshi

Associate Executive Secretary